

MINUTES

APPOMATTOX COUNTY PLANNING COMMISSION MEETING APPOMATTOX, VIRGINIA

Wednesday, September 14, 2016

Members Present: (Quorum)

George Almond
Steve Conner
Susan Hudson
Joshua Mills
Sara Carter
Earl Dickerson

Members Absent:

Kevin O'Brien

Also Present:

Johnnie Roark, Director of Community Development

Mr. George Almond, Chairman, called the meeting to order at 5:30 p.m.

Mr. Almond circulated the attendance sheet.

Citizens Comment Period

No citizens spoke.

Approval of Minutes

Mr. Johnnie Roark noted that the minutes from the August meeting were not ready.

Public Hearing

CUP16-0503-Jesus Center Church (owner), Roselle Brown (applicant) has applied for a conditional use permit to operate a day care center on property located at 1664 Mountain Cut Road, Appomattox, Virginia. The property is zoned A-1, Agricultural Zoning District and is identified as Tax Map Identification Number 77 (A) 37. The project will utilize the existing buildings and a small outside area on an approximately 13.86 acre parcel.

Mr. Almond opened the public hearing at 5:31 p.m. and asked staff for a report.

Mr. Roark provided an overview of the petition, mentioning that the church has been in existence for nearly 30 years and has expanded recently with a multi-purpose building. Mr. Roark noted the proposed conditions that are typically placed on this type of use (hours of operation, licensor).

Joint Planning Commission
Minutes

Mr. Almond asked if anyone wished to speak. Mr. Al Jones, Pastor of Jesus Center Church and Ms. Roselle Brown, applicant, were available for questions.

Hearing no one wishing to speak, Mr. Almond closed the public hearing at 5:34 p.m.

Discussion of CUP16-0503-Jesus Center Daycare Center

Mr. Almond asked the Commission if there was any discussion.

Mr. Steve Conner asked if there was a particular reason to recommend hours of operation? Mr. Roark responded that the condition was a standard condition applied to all day care centers in recent years.

Ms. Sara Carter asked the applicant if they had any concerns? Ms. Brown responded “no”.

Mr. Earl Dickerson motioned, with a second by Ms. Carter, that for reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to recommend approval of the Conditional Use Permit petition of Roselle Brown (Jesus Center Church) to operate a daycare center, with the following conditions:

1. Hours of operation for the Day Care Center shall be limited to 6:00 a.m. to 7:00 p.m. Monday through Saturday. No Sunday hours.
2. Licenser by the Virginia Department of Social Services shall be maintained at all times. If license expires or is terminated, the conditional use permit will automatically become void.

The motion passed unanimously.

Public Hearing

The following public hearings were held concurrently.

CUP16-0508- George P. Carson Estate/Clifton W. Carson & Harriette Beasley (owner), New Energy Ventures, Inc. (applicant), has applied for a conditional use permit to locate a solar farm (resource extraction) on property located off of Richmond Highway in the Spout Spring area. The property is zoned A-1, Agricultural Zoning District and is identified as Tax Map Identification Number 62 (A) 170A. The project will utilize approximately 50 acres of an approximately 190 acre parcel. This project is in conjunction with CUP16-0509.

CUP16-0509-Danny R. Moon (owner), New Energy Ventures, Inc. (applicant), has applied for a conditional use permit to locate a solar farm (resource extraction) on property located off of Richmond Highway in the Spout Spring area. The property is zoned A-1, Agricultural Zoning District and is identified as Tax Map Identification Number 63 (A) 17. The project will utilize approximately 28 acres of an approximately 108 acre parcel. This project is in conjunction with CUP16-0508.

Mr. Almond opened the public hearings at 5:36 p.m. and asked staff for a report.

Mr. Roark provided an overview of the petitions detailing the number of acres to be used for the solar farm versus the total number of acres on the two parcels. Mr. Roark noted that the site would be visible from

Joint Planning Commission
Minutes

Richmond Highway for a short period of time in the Police Tower Road area. Mr. Roark noted the access points currently exist as rail crossings for residential purposes, however this should not be an issue after construction.

Mr. Almond asked if anyone wished to speak either for or against the petitions.

Mr. Jack Sterne, representative for New Energy Ventures, provided an overview of solar farms and the solar industry. Mr. Sterne stated that this would be a 15 megawatt power farm that could provide enough electricity for about 4,500 homes. The land is ideal due to its orientation to the sun and its limited amount of slope. Also, the location is reasonably close to a Dominion substation. Mr. Sterne noted that the project would require six to nine months of construction and he hoped to break ground in the spring. The project would create 180 jobs during construction; however, only one job would remain for maintenance. This person would not be at the site every day but would make periodic visits.

Mr. Buddy Conner appeared to provide his support for the project. Mr. Conner noted that “green” industry is a key draw for future economic development.

Mr. Almond asked if anyone else wished to speak. Hearing none, Mr. Almond closed the public hearing at 5:52 p.m.

Discussion CUP16-0508 George P. Carson Estate/Clifton W. Carson & Harriette Beasley (owner), New Energy Ventures, Inc. (applicant) and CUP16-0509 Danny Moon (owner), New Energy Ventures, Inc. (applicant)
Mr. Almond asked the Commission if there was any discussion.

Mr. Almond clarified that the 4,500 homes to be supplied were not necessarily in Appomattox County, that the electricity generated would be placed on the power supply grid and go “wherever”. Mr. Sterne concurred.

Mr. Dickerson asked Mr. Sterne to discuss the “life cycle” of the project. Mr. Sterne noted that the life cycle is for a period of 30 years. The lease agreement with the owner requires a bond be put in place and at the end of the project the land would be returned to its former state.

Mr. Roark noted that returning the land to the former state is one of the proposed conditions.

Mr. Dickerson and Mr. Conner noted that they had seen various solar farms in their travels throughout North Carolina and found this site to be comparable.

Mr. Almond asked about the use of Depot Lane during construction. Mr. Sterne noted that this would be the most logical location for the workers and building material to access the site, then after construction the access would be minimal.

Mr. Conner asked about the economic impact to the community? Mr. Sterne stated that the farm would be a \$17 million to \$20 million investment.

Mr. Almond asked if there were any additional comments or questions.

Mr. Dickerson motioned with a second by Ms. Carter that for reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to recommend approval of the Conditional Use Permit petition of New Energy Ventures LLC (applicant), Carson Estate (owner) to operate a solar farm (Resource Extraction), with the following conditions:

1. The project will generally conform to the sketch drawing marked as “Exhibit A” and submitted with the petition August 26, 2016.
2. All applicable local, state, and federal laws will be followed as necessary.
3. At the end of the project “life cycle”, all equipment, including panels, mounts, etc. will be removed and the property returned to its previous state as productive farmland.

The motion passed unanimously.

Ms. Carter motioned with a second by Mr. Dickerson that for reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to recommend approval of the Conditional Use Permit petition of New Energy Ventures LLC (applicant), Danny Moon (owner) to operate a solar farm (Resource Extraction), with the following conditions:

1. The project will generally conform to the sketch drawing marked as “Exhibit A” and submitted with the petition August 26, 2016.
2. All applicable local, state, and federal laws will be followed as necessary.
3. At the end of the project “life cycle”, all equipment, including panels, mounts, etc. will be removed and the property returned to its previous state as productive farmland.

The motion passed unanimously.

Public Hearing

CUP16-0510-Matt & Ashley Wilt (owner) has applied for a conditional use permit to locate a landscape supply business (Landscaping & Lawn Care Services) on property located at 1364 Oakleigh Avenue, Appomattox, Virginia. The property is zoned A-1, Agricultural Zoning District and is identified as Tax Map Identification Number 65 (A) 29 & 30. The project will utilize approximately 5 acres of an approximately 62.55 acre farm.

Mr. Almond opened the public hearing at 5:55 p.m. and asked staff for a report.

Mr. Roark provided a brief overview of the project and noted that Mr. and Mrs. Wilt were available for questions.

Mr. Matt Wilt, applicant, provided some details about the proposed business and how it related to the surrounding properties. Mr. Wilt noted that he would be starting out small, probably less than one acre in size as this would be a part-time activity. He noted that his use would be of a similar scope to C&S farms “up the street”.

Mr. Almond asked if anyone else wished to speak for or against the petition.

Hearing no one, Mr. Almond closed the public hearing at 5:59 p.m.

Discussion CUP16-0510 Matt & Ashely Wilt

Mr. Almond asked the Commission if there was any discussion.

Mr. Dickerson motioned with a second by Mr. Conner that for reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to recommend approval of the Conditional Use Permit petition of Matt & Ashley Wilt to operate a landscape supply business (Landscape and Lawn Care Services), with the following conditions:

1. The business shall not be open to the public prior to 8:00 a.m. nor after 6:00 p.m. during traditional spring/summer months of April through August.
2. The entrance will be reviewed by VDOT staff and the appropriate entrance shall be installed per VDOT recommendation.

The motion passed unanimously.

Public Hearing

RZ16-0507/CUP16-0511-Lawson Family LLC (owner), Innovatio Sealing Technologies (applicant) has applied to rezone property from M-1, Industrial Zoning District to B-1, General Commercial Zoning District and obtain a conditional use permit within the new zoning district. The purpose of the petition is for the applicant to locate an automobile dealership on the property as a permitted use and concurrently obtain a conditional use permit for manufacturing of automotive gaskets and seals (industrial manufacturing). The parcel is located near 191 Police Tower Road, in the Appomattox area and is further identified as Tax Map Identification Number 63 (A) 11. Total Acres: 5.83 acres.

Mr. Almond opened the public hearing at 6:01 p.m. and asked staff for a report.

Mr. Roark stated that he had many discussions with the applicant over the past several months about how to add the car sales lot to the existing manufacturing use. After consultation with the County Attorney, the best way to allow the current use to continue, without having it restricted by the non-conforming use limitations, was to rezone the property from M-1 to B-1 and add a conditional use permit for the existing industrial use. Mr. Roark stated that this intersection has been transitioning from industrial to more commercial/retail over the past decade and a used car sales lot was located within 100 feet of this location.

Mr. Almond asked if anyone wished to speak for or against the petition.

Mr. Jason Brown, owner of Innovatio Sealing Technologies, provided a brief overview of his business and spoke in favor of the rezoning and conditional use permit.

Joint Planning Commission
Minutes

Mr. Keith Mann spoke in favor of the rezoning and conditional use permit detailing the used car sales operation. Mr. Mann would be the primary operator of the used car sales lot.

Mr. Almond asked if anyone else wished to speak either for or against the petition.

Hearing none, Mr. Almond closed the public hearing at 6:10 p.m.

Discussion RZ16-0507 and CUP 16-0511 Lawson Family LLC (owner), Innovatio Sealing Technologies (applicant)

Mr. Almond asked the Commission if there were any questions or comments. Hearing none, Mr. Almond asked for a motion. Mr. Almond reminded the Commission that they would need to consider the rezoning first, then the conditional use permit.

Mr. Dickerson motioned with a second by Mr. Conner that for reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to recommend approval of the rezoning petition (RZ16-0507 Lawson Family LLC (owner) from M-1, Industrial to B-1, General Commercial, as submitted.

The motion passed unanimously.

Ms. Carter motioned, with a second by Ms. Hudson that for reason of public necessity, convenience, general welfare, and good zoning practice, the Appomattox County Planning Commission moves to recommend approval of the conditional use permit (CUP16-0511) Lawson Family LLC (owner) with the following condition:

1. The project will be developed in general conformance with the sketch plan submitted with the application.

The motion passed unanimously.

Public Hearing

A public hearing was scheduled concerning a possible amendment to the zoning ordinance as follows:

ADD the following terms to the Definitions section: CEMETERY, FAMILY OR CHURCH and CEMETERY, PRIVATE, ASSOCIATION, OR FOR-PROFIT.

DELETE the following term from the Definitions section: CEMETERY

The following changes are proposed to Zoning District Classifications:

ADD: "Cemetery, Family or Church" to PERMITTED USE LIST in A-1, Agricultural

ADD: "Cemetery, Private, Association or For-Profit" to the CONDITIONAL USE LIST in A-1, Agricultural

ADD: "Cemetery, Family or Church" to PERMITTED USE LIST in R-1, Low-Density Residential

ADD: “Cemetery, Private, Association or For-Profit to the CONDITIONAL USE LIST in R-1, Low-Density Residential

ADD: “Cemetery, Family or Church” to PERMITTED USE LIST in R-2, Medium-Density Residential

ADD: “Cemetery, Private, Association or For-Profit to the CONDITIONAL USE LIST in R-2, Medium-Density Residential

ADD: “Cemetery, Family or Church” to PERMITTED USE LIST in R-3, High-Density Residential

ADD: “Cemetery, Private, Association or For-Profit to the CONDITIONAL USE LIST in R-3, High-Density Residential

ADD: “Cemetery, Family or Church” to PERMITTED USE LIST in V-1, Village Center

ADD: “Cemetery, Private, Association or For-Profit to the CONDITIONAL USE LIST in V-1, Village Center

ADD: “Cemetery, Family or Church”, and “Cemetery, Private, Association, or For-Profit to PERMITTED USE LIST in B-1, General Business

DELETE: “CEMETERY” from each of the aforementioned zoning district classifications.

The following proposed amendment to Additional Regulations section:

ADD: Section 19.6-87.2 Cemetery, Family or Church and Cemetery, Private, Association, or For-Profit

1. The location of any new cemetery shall be sufficiently documented by a land survey, recorded in the office of the Clerk of the Circuit Court, so as to inform prospective and future property owners of the presence and location of such cemetery.
2. The minimum lot size for a cemetery lot shall be one-half acre. No road frontage shall be required for lots designated on a survey as a “cemetery lot”.
3. An easement for ingress/egress shall be provided on the survey at a minimum width of 20 feet.
4. Interment must be a minimum of 5 feet from the boundary of the lot and the lot must be a minimum of 100 feet from any active well.

Mr. Almond opened the public hearing at 6:21 p.m. and asked for staff report.

Mr. Roark gave an overview of the proposed amendments concerning the cemetery use.

Mr. Almond asked if anyone wished to speak either for or against the amendments. No one spoke.

Mr. Almond closed the public hearing at 6:23 p.m.

Discussion Zoning Amendments-Cemetery

Mr. Almond asked the Commission if there was any discussion.

Ms. Carter motioned with a second by Mr. Dickerson to recommend to the Board of Supervisors the amendments to the zoning ordinance as advertised.

The motion passed unanimously.

Adjournment

Having no further business, Mr. Almond asked for a motion to adjourn.

Ms. Carter made a motion, with Mr. Conner seconding, that the meeting be adjourned.

The motion carried unanimously.

The meeting was adjourned at approximately 6:28 p.m.

Approved:

George Almond, Chairman
Appomattox County Planning Commission

Attest:

Johnnie Roark
Director of Community Development